

## REMARKS

Applicant's counsel thanks the Examiner for the careful consideration given the application.

### **Claim Rejection – 35 USC § 112**

At page 2, paragraph 1 of the Office action, the Examiner expressed concerns about the enablement requirement. However, the enablement requirement has been satisfied as suggested by the Examiner, as follows.

The four strains of lactic bacteria claimed in the present method claims are:

- *L. plantarum* LMG-P- 21385 deposited on 31 January 2002;
- *L. lactis subsp. lactis* LMG-P-21387 deposited on 15 March 2002;
- *L. lactis subsp. lactis* LMG-P-21388 deposited on 31 January 2002;
- *L. plantarum* LMG-P-21389 deposited on 15 March 2002, at the BCCM/LMG Bacteria Collection in Gent, Belgium.

The codes correlated to the strains above refer to the access numbers of the relative deposits made in accordance with the Budapest Treaty on international recognition of the deposit of microorganisms of 28 April 1977 (see page 6, lines 21 to 30 in the Application as filed).

Further, reference is made to the Official Certificates issued by the International Depositary Authority – Attached hereto as Annex 1 (4 pages for each of the four bacteria strains).

The Applicant confirms that each microorganism identified is readily available to the public and will continue to be so for a period of 30 years or 5 years after the last request or the effective life of the patent, whichever is longer, or by an acceptable deposit as set forth herein. The specific strains claimed herein have been deposited under the Budapest Treaty, and said strains will be irrevocably and without restriction or condition released to the public upon the issuance of a patent. Accordingly, the Budapest Treaty requirements have been met and the enablement requirements have been satisfied.

Regarding the Section 112, second paragraph concerns mentioned at the top of page 4 of the Office action, claim 16 has been amended to clarify the claim and to more clearly define the subject matter of the invention. In particular, improving coagulation refers to inducing in milk a

greater aptitude to coagulation, promoting subsequent transformations into dairy products (see Specification at page 7, lines 4 to 6). In particular, improving coagulation refers to coagulation parameters and is described in more detail at Specification, page 7, lines 23 to 31, Figures 1 to 3, and page 9, lines 18 to 22.

#### **Claim Rejection – 35 USC § 103**

At page 4, paragraph 6 of the Office action, the Examiner states that claims 16-30 are unpatentable over US 5,942,263 (R1) in view of US 4,205,132 (R2) and 5,527,505 (R3).

It is believed that the claims as now presented are patentable for the following reasons.

The four strains of lactic bacteria claimed in the present invention *L. plantarum* LMG-P- 21385, *L. lactis subsp. lactis* LMG-P-21387, *L. lactis subsp. lactis* LMG-P-21388, and *L. plantarum* LMG-P-21389 are not used as a starter culture. The above bacteria strains do not represent a starter culture of bacteria or a coagulant, because, in the present invention, a starter culture and coagulant are also used; please see claim 16 as it has now been amended. The addition of at least one bacteria strain of the present invention represents “an adding step” in the claimed process. This is a key point which helps to clearly show why claim 16 as now amended defines over the prior art.

Claim 16 has been amended to more clearly define the invention. In amended claim 16, the four steps [i) adding a starter culture to the milk, ii) coagulating the milk by adding a coagulant to yield a coagulum, iii) cutting the coagulum, iv) separating the curd from the whey] are part of the common general knowledge in a cheese making process. In particular, the step i) adding a starter culture to the milk before its coagulation is well known to the skilled person in the art (see R1, col. 3 and also the Examiner’s remarks in the Office action at page 5, paragraph 9, lines 5 to 8). The coagulation treatment, which is well known, comprises the above steps ii) to iv). Further support for amended claim 16 is found in the previous claim 16.

Applicant will now explain in more detail why the claims as now amended define over R1 in view of R2 and R3.

US 5,942,263 (R1) is silent regarding the use of anhydrous form of starters, the number of bacteria added to the milk, or addition of starters to the raw (unpasteurized) milk; (see page 5,

paragraph 11, in the Office Action). However, also the rate of culture addition at 0.01 – 1.0% of the milk is not explicitly disclosed. Further, R1 is completely silent about (a) the use of specific bacteria strains to improve the milk coagulation; (b) the addition of said bacteria before using a starter culture and a coagulum. Please note that claim 16 now requires that the specific strain be added before the starter culture.

US 4,205,132 (R2) discloses the production of lyophilized starter cultures, which are storage stable (abstract). The best adapted to the process bacteria, according to R2, are those used to produce lactic acid in milk for cheese making and the like, since they are very sensitive to freeze-drying (Col.4, lines 43-46). Further, R2 discloses preferred acid producing bacteria which are lyophilized and which are milk fermenting to produce lactic acid and other flavors uncultured milk products (Col. 3, lines 22-25). Other lactic acid producing bacteria include those used for making fermented meat products and pickles such as *Pediococcus cerevisiae* and *Lactobacillus plantarum* and mixtures thereof (Col. 3, lines 37-40).

R2 does not disclose:

- a) The use of specific bacteria strains to improve the milk coagulation;
- b) The addition of said bacteria before using a starter culture and a coagulum.

Further, R2 does not disclose the use of bacteria in anhydrous form as starters.

US 5,527,505 (R3) discloses fermented milk with control acidity increases during storage and transportation which comprises: inoculating raw milk with a nisin-producing lactic acid bacterium belonging to the genus *Lactococcus lactis subsp. lactis* together with other lactic acid bacterium and fermenting the raw milk (Col. 2, lines 28-31).

The acidity increase in fermented milk products can be controlled by manufacturing such products using, as starter bacteria, a nisin-producing lactic acid bacterium belonging to the genus *Lactococcus lactis subsp. lactis* together with other lactic acid bacterium, (Col. 3, lines 18-23). Examples of other lactic acid bacteria used in the invention, as disclosed in R3, are reported at Col. 3, lines 30-39.

R3 does not disclose:

- a) The use of specific bacteria strains to improve the milk coagulation;

b) The addition of said bacteria before using a starter culture and a coagulum.

Further, R3 does not disclose the use of bacteria in anhydrous form as starters.


Accordingly, the cited prior art does not teach the use of the specific bacteria strains of the present invention to improve milk coagulation, and does not teach the addition of said bacteria before using a starter culture and a coagulum. Claim 16 now specifically requires that the invented specific strains be added before adding the starter culture. Accordingly, the present claims clearly define over the prior art and are accordingly patentable.

#### Results from Figures 1-3

As can clearly be seen in the Figures 1-3 indicated in the present application, the strains added all allow, at the different temperatures, an improvement to be obtained in the aptitude of the milk to coagulate in respect of the control sample, improving all the parameters represented by the thromboelastograms in the Figures, such as initial flocculation time, firming time and amplitude of the coagulum, without modification of the pH (see page 9 in the application as filed). This further illustrates the patentability of the present invention.

In view of the present amendments, it is now believed that all the claims define over the prior art and that the application is now in condition for allowance, which is respectfully requested. If any further fees are required by this communication, please charge such fees to our Deposit Account No. 16-0820, Order No. HOFF-38315.

Respectfully submitted,  
PEARNE & GORDON LLP

By   
John P. Murtaugh, Reg. No. 34226

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Date: 12-19-08

**BELGIAN COORDINATED COLLECTIONS OF MICROORGANISMS - BCCM  
LMG-COLLECTION**

Page 1 of Form BCCM/LMG/BP/4/.....02-116 Receipt in the case of an original deposit

**Budapest Treaty on the International Recognition of the Deposit of Microorganisms for  
the Purposes of Patent Procedure**

Receipt in the case of an original deposit issued pursuant to Rule 7.1 by the  
International Depositary Authority BCCM/LMG identified at the bottom of next page

**International Form BCCM/LMG/BP/4/.....02-116**

**To: Name of the depositor** : Mofin Srl

**Address** : Via P. Custodi n. 12  
28100 Novara - Italy

**I. Identification of the microorganism:**

**I.1 Identification reference given by the depositor:**

501/2 gi

**I.2 Accession number given by the International Depositary Authority:**

LMG P-21385

**Annex I**

**BELGIAN COORDINATED COLLECTIONS OF MICROORGANISMS - BCCM  
LMG-COLLECTION**

Page 2 of Form BCCM/LMG/BP/4/02...1.1.6... Receipt in the case of an original deposit

**II. Scientific description and/or proposed taxonomic designation**

The microorganism identified under I above was accompanied by :

(mark with a cross the applicable box(es)):

☒ a scientific description

☒ a proposed taxonomic designation

**III. Receipt and acceptance**

This International Depositary Authority accepts the microorganism identified under I above, which was received by it on (date of original deposit) :

January 31, 2002

**IV. International Depositary Authority**

Belgian Coordinated Collections of Microorganisms (BCCM)  
Laboratorium voor Microbiologie - Bacteriënverzameling (LMG)  
Universiteit Gent  
K.L. Ledeganckstraat 35  
B-9000 Gent, Belgium

Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):



Dr. D. Janssens,  
Curator, I.D.A.

Date : 27/03/2002

LMG-COLLECTION

Page 1 of Contract BCCM/LMG/DBT1/02-46 in the case of an original deposit or in the case of a new deposit with another International Depositary Authority.

Budapest Treaty of 28 April 1977 on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure

Contract in the case of an original deposit or in the case of a new deposit with another International Depositary Authority

Contract BCCM/LMG/DBT1/02-46 (number to be filled in by IDA)

To: Belgian Coordinated Collections of Microorganisms (BCCM)  
Laboratorium voor Microbiologie - Bacteriënverzameling (LMG)  
Universiteit Gent  
K.L. Ledeganckstraat 35  
B-9000 Gent, Belgium

Between the Belgian Coordinated Collections of Microorganisms - BCCM, represented by

Laboratorium voor Microbiologie - Bacteriënverzameling (LMG)  
Universiteit Gent  
K.L. Ledeganckstraat 35  
B-9000 Gent, Belgium  
called hereafter "BCCM/LMG"

and

the "Depositor" identified at the bottom of this form

It is agreed that if BCCM/LMG accepts the deposit under the Budapest Treaty of the microorganism with the following identification reference, by sending to the depositor the signed form BCCM/LMG/DBT1/02-46 which completes the procedure,

(Indicate number, symbols, etc. given to the microorganism by the depositor)

Lactobacillus plantarum 501/2 g1

1. The depositor knows and will observe all the provisions of the Budapest Treaty of 28 April 1977 on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure and the Regulations under the Treaty and, more specifically, that he:
  - a) will provide all necessary information requested by BCCM/LMG, especially the information found on form BCCM/LMG/BP/1 in the case of an original deposit and form BCCM/LMG/BP/3 in the case of a new deposit;
  - b) will pay all necessary fees;
  - c) will not withdraw the deposit for the period specified in Rule 9.1;

BELGIAN COORDINATED COLLECTIONS OF MICROORGANISMS - BCCM  
LMG-COLLECTION

Page 2 of Contract BCCM/LMG/DBTV/02-116 in the case of an original deposit or in the case of a new deposit with another International Depository Authority.

- d) authorizes BCCM/LMG to furnish samples according to the applicable patent requirements;
  - e) will make a new deposit in the event of BCCM/LMG being unable to furnish samples;
2. The depositor will not hold BCCM/LMG or the Belgian Science Policy Office responsible for any deterioration of samples during storage when all precautions indicated by him in respect of storage have been taken by BCCM/LMG;
  3. The depositor will compensate BCCM/LMG for any damage it may sustain as a consequence of dealing with the organism when all precautions indicated by him in respect of dealing with the organism have been taken by BCCM/LMG;
  4. The depositor will indemnify BCCM/LMG against any action brought against it as a consequence of the release of samples, unless such action results from negligence on the part of BCCM/LMG.

Any dispute that may arise shall be governed by Belgian law. Only the courts in the Brussels juridical district shall be competent.

The depositor:

(In the case of a private company, give: full registered name, legal status and address of the registered office;

Name MOFIN SRL

Address VIA R. CUSTODI N.12 - 28100 NOVARA (ITALY)

Signature DR. GIOVANNI MOGNA - AMMINISTRATORE UNICO

Date 30 GEN., 2002

(Where the signature is required on behalf of a legal entity, the typewritten name(s) of the natural person(s) signing on behalf of the legal entity should accompany the signature(s)).

Belgian Coordinated Collections of Microorganisms (BCCM)  
Laboratorium voor Microbiologie - Bacteriënverzameling (LMG)  
Universiteit Gent  
K.L. Ledeganckstraat 35  
B-9000 Gent, Belgium

Signature(s) of person(s) having the power to represent the International Depository Authority or of authorized official(s)

  
Dr. D. TANIENS, curator IOTA

Date

March 27, 2002





**BELGIAN COORDINATED COLLECTIONS OF MICROORGANISMS - BCCM  
LMG-COLLECTION**

Page 1 of Form BCCM/LMG/BP/4/...02-118. Receipt in the case of an original deposit

**Budapest Treaty on the International Recognition of the Deposit of Microorganisms for  
the Purposes of Patent Procedure**

Receipt in the case of an original deposit issued pursuant to Rule 7.1 by the  
International Depositary Authority BCCM/LMG identified at the bottom of next page

**International Form BCCM/LMG/BP/4/...02-118**

**To: Name of the depositor : Mofin Srl**

**Address : Via P. Custodi n. 12  
28100 Novara - Italy**

**I. Identification of the microorganism:**

**I.1 Identification reference given by the depositor:**

501/4 hi

**I.2 Accession number given by the International Depositary Authority:**

IMG P-21387

**BELGIAN COORDINATED COLLECTIONS OF MICROORGANISMS - BCCM  
LMG-COLLECTION**

Page 2 of Form BCCM/LMG/BP/4/.....02-118 Receipt in the case of an original deposit

**II. Scientific description and/or proposed taxonomic designation**

The microorganism identified under I above was accompanied by :

(mark with a cross the applicable box(es)) :

☒ a scientific description

☒ a proposed taxonomic designation

**III. Receipt and acceptance**

This International Depositary Authority accepts the microorganism identified under I above, which was received by it on (date of original deposit) :

March 15, 2002

**IV. International Depositary Authority**

Belgian Coordinated Collections of Microorganisms (BCCM)  
Laboratorium voor Microbiologie - Bacteriënverzameling (LMG)  
Universiteit Gent  
K.L. Ledeganckstraat 35  
B-9000 Gent, Belgium

Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):



Dr. D. Janssens,  
Curator, I.D.A.

Date : 27/03/2002

Budapest Treaty of 28 April 1977 on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure

Contract in the case of an original deposit or in the case of a new deposit with another International Depositary Authority

Contract BCCM/LMG/DBT1/.....02.118 (number to be filled in by IDA)

To: Belgian Coordinated Collections of Microorganisms (BCCM)  
Laboratorium voor Microbiologie - Bacteriënverzameling (LMG)  
Universiteit Gent  
K.L. Ledeganckstraat 35  
B-9000 Gent, Belgium

Between the Belgian Coordinated Collections of Microorganisms - BCCM, represented by

Laboratorium voor Microbiologie - Bacteriënverzameling (LMG)  
Universiteit Gent  
K.L. Ledeganckstraat 35  
B-9000 Gent, Belgium  
called hereafter "BCCM/LMG"

and

the "Depositor" identified at the bottom of this form

It is agreed that if BCCM/LMG accepts the deposit under the Budapest Treaty of the microorganism with the following identification reference, by sending to the depositor the signed form BCCM/LMG/DBT21/.....02.118 which completes the procedure,

(Indicate number, symbols, etc. given to the microorganism by the depositor)

Lactococcus lactis subsp. lactis 501/4 hi

1. The depositor knows and will observe all the provisions of the Budapest Treaty of 28 April 1977 on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure and the Regulations under the Treaty and, more specifically, that he:
  - a) will provide all necessary information requested by BCCM/LMG, especially the information found on form BCCM/LMG/BP/1 in the case of an original deposit and form BCCM/LMG/BP/3 in the case of a new deposit;
  - b) will pay all necessary fees;
  - c) will not withdraw the deposit for the period specified in Rule 9.1;

BELGIAN COORDINATED COLLECTIONS OF MICROORGANISMS - BCCM  
LMG-COLLECTION

Page 2 of Contract BCCM/LMG/DET/1/98-118, in the case of an original deposit or in the case of a new deposit with another International Depository Authority.

- d) authorizes BCCM/LMG to furnish samples according to the applicable patent requirements;
  - e) will make a new deposit in the event of BCCM/LMG being unable to furnish samples;
2. The depositor will not hold BCCM/LMG or the Belgian Science Policy Office responsible for any deterioration of samples during storage when all precautions indicated by him in respect of storage have been taken by BCCM/LMG;
  3. The depositor will compensate BCCM/LMG for any damage it may sustain as a consequence of dealing with the organism when all precautions indicated by him in respect of dealing with the organism have been taken by BCCM/LMG;
  4. The depositor will indemnify BCCM/LMG against any action brought against it as a consequence of the release of samples, unless such action results from negligence on the part of BCCM/LMG.

Any dispute that may arise shall be governed by Belgian law. Only the courts in the Brussels juridical district shall be competent.

The depositor:

(In the case of a private company, give: full registered name, legal status and address of the registered office)

Name MOPIN SRL

Address VIA P. CUSTODI N.12 - 28100 NOVARA (ITALY)


Signature DR. GIOVANNI MOGNA - AMMINISTRATORE UNICO

Date 30 GEN. 2002

(Where the signature is required on behalf of a legal entity, the typewritten name(s) of the natural person(s), signing on behalf of the legal entity should accompany the signature(s)).

Belgian Coordinated Collections of Microorganisms (BCCM)  
Laboratorium voor Microbiologie - Bacteriënverzameling (LMG)  
Universiteit Gent  
K.L. Ledeganckstraat 35  
B-9000 Gent, Belgium

Signature(s) of person(s) having the power to represent the International Depository Authority or of authorized official(s)

  
Dr. D. JANSSENS, Curator IDA

Date

March 27, 2002



**BELGIAN COORDINATED COLLECTIONS OF MICROORGANISMS - BCCM  
LMG-COLLECTION**

Page 1 of Form BCCM/LMG/BP/4/.....02-119 Receipt in the case of an original deposit

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International Depositary Authority BCCM/LMG identified at the bottom of next page

International Form BCCM/LMG/BP/4/02-119.....

---

To: Name of the depositor : Mofin Srl

Address : Via P. Custodi n. 12  
28100 Novara - Italy

**I. Identification of the microorganism:**

I.1 Identification reference given by the depositor:

501/4 ci

I.2 Accession number given by the International Depositary Authority:

LMG P-21388

**BELGIAN COORDINATED COLLECTIONS OF MICROORGANISMS - BCCM  
LMG-COLLECTION**

Page 2 of Form BCCM/LMG/BP/4/ 02-119. Receipt in the case of an original deposit

**II. Scientific description and/or proposed taxonomic designation**

The microorganism identified under I above was accompanied by :

(mark with a cross the applicable box(es)):

- ☒ a scientific description  
☒ a proposed taxonomic designation

**III. Receipt and acceptance**

This International Depositary Authority accepts the microorganism identified under I above, which was received by it on (date of original deposit) :

January 31, 2002

**IV. International Depositary Authority**

Belgian Coordinated Collections of Microorganisms (BCCM)  
Laboratorium voor Microbiologie - Bacteriënverzameling (LMG)  
Universiteit Gent  
K.L. Ledeganckstraat 35  
B-9000 Gent, Belgium

Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):



Dr. D. Janssens,  
Curator, I.D.A.

Date : 27/03/2002

Budapest Treaty of 28 April 1977 on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure

Contract in the case of an original deposit or in the case of a new deposit with another International Depository Authority

Contract BCCM/LMG/DBT1/02-119 (number to be filled in by IDA)

To: Belgian Coordinated Collections of Microorganisms (BCCM)  
Laboratorium voor Microbiologie - Bacteriënverzameling (LMG)  
Universiteit Gent  
K.L. Ledeganckstraat 35  
B-9000 Gent, Belgium

Between the Belgian Coordinated Collections of Microorganisms - BCCM, represented by

Laboratorium voor Microbiologie - Bacteriënverzameling (LMG)  
Universiteit Gent  
K.L. Ledeganckstraat 35  
B-9000 Gent, Belgium  
called hereafter "BCCM/LMG"

and

the "Depositor" identified at the bottom of this form

It is agreed that if BCCM/LMG accepts the deposit under the Budapest Treaty of the microorganism with the following identification reference, by sending to the depositor the signed form BCCM/LMG/DBT2/02-119 which completes the procedure,

(Indicate number, symbols, etc. given to the microorganism by the depositor)

Lactococcus lactis subsp. lactis 501/4 ei

1. The depositor knows and will observe all the provisions of the Budapest Treaty of 28 April 1977 on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure and the Regulations under the Treaty and, more specifically, that he:
  - a) will provide all necessary information requested by BCCM/LMG, especially the information found on form BCCM/LMG/BP/1 in the case of an original deposit and form BCCM/LMG/BP/3 in the case of a new deposit;
  - b) will pay all necessary fees;
  - c) will not withdraw the deposit for the period specified in Rule 9.1;

BELGIAN COORDINATED COLLECTIONS OF MICROORGANISMS - BCCM  
LMG-COLLECTION

Page 2 of Contract BCCM/LMG/DBT/1/... 01.49 in the case of an original deposit or in the case of a new deposit with another International Depositary Authority.

- d) authorizes BCCM/LMG to furnish samples according to the applicable patent requirements;
  - e) will make a new deposit in the event of BCCM/LMG being unable to furnish samples;
2. The depositor will not hold BCCM/LMG or the Belgian Science Policy Office responsible for any deterioration of samples during storage when all precautions indicated by him in respect of storage have been taken by BCCM/LMG;
  3. The depositor will compensate BCCM/LMG for any damage it may sustain as a consequence of dealing with the organism when all precautions indicated by him in respect of dealing with the organism have been taken by BCCM/LMG;
  4. The depositor will indemnify BCCM/LMG against any action brought against it as a consequence of the release of samples, unless such action results from negligence on the part of BCCM/LMG.

Any dispute that may arise shall be governed by Belgian law. Only the courts in the Brussels juridical district shall be competent.

The depositor:

(In the case of a private company, give: full registered name, legal status and address of the registered office)

Name MOFIN SRL

Address VIA P. CUSTODI N.12 - 28100 NOVARA (ITALY)


Signature DR. GIOVANNI MOGNA - AMMINISTRATORE UNICO X

Date 30 GEN. 2002

(Where the signature is required on behalf of a legal entity, the typewritten name(s) of the natural person(s) signing on behalf of the legal entity should accompany the signature(s)).

Belgian Coördinated Collections of Microorganisms (BCCM)  
Laboratorium voor Microbiologie - Bacteriënverzameling (LMG)  
Universiteit Gent  
K.L. Ledeganckstraat 35  
B-9000 Gent, Belgium

Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s)

  
Dr. D. JANSSENS, curator IDA

Date

March 27, 2002





**BELGIAN COORDINATED COLLECTIONS OF MICROORGANISMS - BCCM  
LMG-COLLECTION**

Page 1 of Form BCCM/LMG/BP/4/.....02-120 Receipt in the case of an original deposit

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**Budapest Treaty on the International Recognition of the Deposit of Microorganisms for  
the Purposes of Patent Procedure**

Receipt in the case of an original deposit issued pursuant to Rule 7.1 by the  
International Depositary Authority BCCM/LMG identified at the bottom of next page

International Form BCCM/LMG/BP/4/.....02-120.....

---

To: Name of the depositor : Mofin Srl

Address : Via P. Custodi n. 12  
28100 Novara - Italy

**I. Identification of the microorganism:**

I.1 Identification reference given by the depositor:

501/4 11

I.2 Accession number given by the International Depositary Authority:

LMG P-21389

II. Scientific description and/or proposed taxonomic designation

The microorganism identified under I above was accompanied by :

(mark with a cross the applicable box(es)):

☒ a scientific description

☒ a proposed taxonomic designation

III. Receipt and acceptance

This International Depositary Authority accepts the microorganism identified under I above, which was received by it on (date of original deposit) :

March 15, 2002.

IV. International Depositary Authority

Belgian Coordinated Collections of Microorganisms (BCCM)  
Laboratorium voor Microbiologie - Bacteriënverzameling (LMG)  
Universiteit Gent  
K.L. Ledeganckstraat 35  
B-9000 Gent, Belgium

Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):



Dr. D. Janssens,  
Curator, I.D.A.

Date : 27/03/2002

LMG-COLLECTION

Page 1 of Contract BCCM/LMG/DBT1/08-120 in the case of an original deposit or in the case of a new deposit with another International Depositary Authority.

Budapest Treaty of 28 April 1977 on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure

Contract in the case of an original deposit or in the case of a new deposit with another International Depositary Authority

Contract BCCM/LMG/DBT1/08-120 (number to be filled in by IDA)

To: Belgian Coordinated Collections of Microorganisms (BCCM)  
Laboratorium voor Microbiologie - Bacteriënverzameling (LMG)  
Universiteit Gent  
K.L. Ledeganckstraat 35  
B-9000 Gent, Belgium

Between the Belgian Coordinated Collections of Microorganisms - BCCM, represented by

Laboratorium voor Microbiologie - Bacteriënverzameling (LMG)  
Universiteit Gent  
K.L. Ledeganckstraat 35  
B-9000 Gent, Belgium  
called hereafter "BCCM/LMG"

and

the "Depositor" identified at the bottom of this form

It is agreed that if BCCM/LMG accepts the deposit under the Budapest Treaty of the microorganism with the following identification reference, by sending to the depositor the signed form BCCM/LMG/DBT1/08-120 which completes the procedure,

(Indicate number, symbols, etc. given to the microorganism by the depositor)

Lactobacillus plantarum 501/4 11

1. The depositor knows and will observe all the provisions of the Budapest Treaty of 28 April 1977 on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure and the Regulations under the Treaty and, more specifically, that he:

- a) will provide all necessary information requested by BCCM/LMG, especially the information found on form BCCM/LMG/BP/1 in the case of an original deposit and form BCCM/LMG/BP/3 in the case of a new deposit;
- b) will pay all necessary fees;
- c) will not withdraw the deposit for the period specified in Rule 9.1;

BELGIAN COORDINATED COLLECTIONS OF MICROORGANISMS - BCCM  
LMG-COLLECTION

Page 2 of Contract BCCM/LMG/DBT1/ 02.120 in the case of an original deposit or in the case of a new deposit with another International Depositary Authority.

- d) authorizes BCCM/LMG to furnish samples according to the applicable patent requirements;
  - e) will make a new deposit in the event of BCCM/LMG being unable to furnish samples;
2. The depositor will not hold BCCM/LMG or the Belgian Science Policy Office responsible for any deterioration of samples during storage when all precautions indicated by him in respect of storage have been taken by BCCM/LMG;
  3. The depositor will compensate BCCM/LMG for any damage it may sustain as a consequence of dealing with the organism when all precautions indicated by him in respect of dealing with the organism have been taken by BCCM/LMG;
  4. The depositor will indemnify BCCM/LMG against any action brought against it as a consequence of the release of samples, unless such action results from negligence on the part of BCCM/LMG.

Any dispute that may arise shall be governed by Belgian law. Only the courts in the Brussels juridical district shall be competent.

The depositor:

(In the case of a private company, give: full registered name, legal status and address of the registered office)

Name MOPIN SRL

Address VIA R. CUSTODI N. 12 - 28100 NOVARA (ITALY)

Signature DR. GIOVANNI MOGNA - AMMINISTRATORE UNICO

Date 30 GEN. 2002

(Where the signature is required on behalf of a legal entity, the typewritten name(s) of the natural person(s) signing on behalf of the legal entity should accompany the signature(s)).

Belgian Coordinated Collections of Microorganisms (BCCM)  
Laboratorium voor Microbiologie - Bacteriënverzameling (LMG)  
Universiteit Gent  
K.L. Ledeganckstraat 35  
B-9000 Gent, Belgium

Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s)

  
Dr. D. JANSSENS, Curator IDA

Date

March 27, 2002

